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No. 09-275

Supreme Court, U.S.
FILED
DEC 15 2009
OFFICE OF THE CLERK

In The
Supreme Court of the United States

RODEL E. RODIS,

Petitioner,

v.

CITY AND COUNTY OF
SAN FRANCISCO, CALIFORNIA, et al.,

Respondents.

**On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit**

PETITIONER'S REPLY SUPPORTING PETITION FOR WRIT OF CERTIORARI

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CASES

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Saucier v. Katz, 522 U.S. 194 (2001) 1, 2

STATUTES

42 U.S.C. § 472 1

1. Respondents' Brief in Opposition to Petitioner's Petition for Writ of Certiorari fails to identify anything in this Court's decision in *Pearson v. Callahan*, 129 S.Ct. 808 (2009), or in the Order of this Court remanding this case to the Ninth Circuit Court of Appeals in light of this Court's decision in the *Pearson* case decision, which authorized the Ninth Circuit to reverse its previously published conclusion that the law Respondents are alleged to have violated was well-established law at the time they arrested Petitioner.

The decision of this Court in *Pearson v. Callahan*, 129 S.Ct. 808 (2009), did not address or involve in any manner 42 U.S.C. § 472, and this Court's remand to the Ninth Circuit for reconsideration of its previously published decision in view of *Pearson*, must result in a decision that was reconsidered in light of *Pearson*. The decision issued by the Ninth Circuit did not do that.

Since *Pearson* had absolutely nothing to do with 42 U.S.C. § 472, the remand by this Court to the Ninth Circuit for reconsideration of its decision in view of *Pearson*, did not authorize the Ninth Circuit to reverse itself on issues not involved in the *Pearson* case. The *Pearson* case established that the two-prong analysis in *Saucier v. Katz*, 522 U.S. 194 (2001) involving claims of qualified immunity, did not have to be considered by the Court in a specific sequence. The Ninth Circuit having previously published its conclusion with respect to the existence of each of the *Saucier* prongs, should have held that since each of

the prongs in the *Saucier* analysis have been established, and since the sequence in which these prongs were previously considered and decided by the Court, in light of *Pearson*, did not affect its prior decision that its previously published decision was Affirmed.

2. Respondents' Brief in Opposition to Petitioner's Petition for Writ of Certiorari incorrectly states that the Ninth Circuit was compelled under *Pearson*, to rule that Respondents are entitled to quantified immunity. The *Pearson* decision established that the two-prong analysis set forth in the case of *Saucier*, did not have to be followed in a particular sequence. Assuming *arguendo*, that the Ninth Circuit correctly reconsidered whether Respondents' actions violated well-established law at the time they arrested Petitioner, it will have national consequence for any person who was, or will be, arrested for innocently passing counterfeit currency, or as in the present case, who has or will be arrested for suspicion of counterfeit currency that is not counterfeit. Respondents' opposition brief introduces to this Court the same arguments and cases it presented to the U.S. District Court before it denied their motion for summary judgment, and to the Ninth Circuit before it issued its published decision affirming the District Court's Order, but fails to even discuss the two decisions, one published, which analyzed and resolved those arguments.

The reasoning and conclusions in these two decisions adequately addressed and resolved those arguments, in Petitioner's favor.

The Court should grant this Petition for a Writ of Certiorari, or similarly reverse the Ninth Circuit.

Respectfully submitted,

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December 15, 2009